

Date

Mr. E. Charles Jacobs
Office of City Attorney
City of Bossier City
P. O. Box 5337
Bossier City, LA 71171-5337

**Re: Docket No. 2022-206
Advisory Opinion**

Dear Mr. Jacobs:

The Louisiana Board of Ethics ("Board"), at its April 8, 2022 meeting, considered your request for an advisory opinion regarding whether the father of the Chief Administrative Officer for Bossier City can provide contractual services for the city.

FACTS PROVIDED

Amanda Nottingham is the newly-appointed Bossier City CAO. Her father, Terrell Dale Teutsch, served as the Deputy Chief for the Bossier City Police Department before his retirement in 2009. Her stepmother, Cynthia Nerren, owns CN Consulting, LLC.

The City is in the process of selecting a new Chief of Police and none of the applicants have served in police administration in Bossier City or as a Deputy Chief. You stated that in order to ensure a smooth transition, you would like to enter into a contract with a retired member of the Bossier City Police Department who has extensive experience in police administration, staffing, and organization. You would like to have Mr. Teutsch provide the consulting services through a contract with CN Consulting LLC. The services to be provided would be limited to staffing and organization of the Police Department.

You stated that you would enter into the contract, independent of the Mayor, in your capacity as City Attorney pursuant to your authority in the City's Home Rule Charter that allows you "to acquire and monitor any outside legal assistance the City may require." You stated that he will provide contract consulting services to the Legal Department on issues related to staffing and organization of the Police Department civil service law and procedure.

BOSSIER CITY HOME RULE CHARTER

The City of Bossier City Home Rule Charter provides the following:

1. Section 4.06 provides that the mayor has the following powers and duties: (c) appoint, suspend or remove any city employee, (d) direct and supervise the administration of all city departments, (l) "may delegate authority for operation and management of all or some, City departments and all resources therein, with the exception of the City Attorney," and (n) appoint the police chief, and shall not require city council confirmation.

2. Section 7.02 - The mayor shall be the head of the Department of Public affairs and provides that the mayor shall establish policy and management regulation consistent with the city charter and ordinances, and prescribe the duties and responsibilities of all city employees.
3. Section 7.03 - The Chief Administrative Officer shall serve as executive and administrative assistant to the mayor, performing such duties as assigned by the mayor.
4. Section 8.01 - The Legal Department shall provide legal guidance to the mayor, city council and all departments of city government.
5. Section 8.02 provides that the city attorney shall be responsible for and the head of the legal department.
6. Section 17.02 - The police chief shall be the head of the police department which includes an administrative services division.
7. Section 17.03. - The administrative services division of the police department shall be under the direction of the police chief, or his designee the deputy police chief, to provide the following functions: planning and research; personnel, purchasing; budget and payroll; internal affairs; and, public information.

ISSUE

What is Ms. Nottingham's agency, and is her father prohibited from providing consulting services related to the staffing and organization of the Police Department?

Law

La. R.S. 42:1113A(1) provides that "[n]o public servant, . . . , or member of such a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant."

Definitions - R.S. 42:1102

(13) "Immediate family" means a public servant's children, the spouse of his children, his siblings and their spouses, his parents, his spouse and his spouse's parents.

(19) "Public servant" means a public employee or an elected official.

(18)(a)(i) "Public employee" includes an administrative officer or official of a governmental entity who is not filling an elected office.

(2)(a)(vi) "Agency" for a public servant of a political subdivision means the "agency in which the public servant services, except that for members of any governing authority and for the elected or appointed chief executive of a governmental entity, it shall mean the governmental entity."

(23) "Transaction involving the governmental entity" means "any proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other such particular matter which the public servant . . . in question knows or should know: (a) is, or will

be, the subjection of action by the governmental entity. (b) is one to which the governmental entity is or will be a party. (c) is one in which the governmental entity has a direct interest. A transaction involving the agency of a governmental entity shall have the same meaning with respect to the agency."

ANALYSIS

As the CAO for the City, Ms. Nottingham is a public servant pursuant to the definitions in La. R.S. 42:1102(19) and (18)(a)(i). Mr. Teustch is a member of his daughter's immediate family as defined by La. R.S. 42:1102(13).

The Bossier City Home Rule Charter provides that the CAO shall serve as executive and administrative assistant to the Mayor, performing such duties as assigned by the Mayor. The Mayor appoints, suspends or removes any City employee, and directs and supervises the administration of all City departments. It appears that the CAO's agency is not limited to the Public Affairs Department and her agency is Bossier City Government, which includes the Legal Department and the Police Department, along with all other City departments.

Therefore, even though the City Attorney will enter into the contract with the consulting company, through which Mr. Teustch will provide the consulting services, Mr. Teustch will be entering into a transaction that is under the supervision or jurisdiction of his daughter's agency, Bossier City Government.

CONCLUSION

The Board concluded, and instructed me to inform, that La. R.S. 42:1113A(1) prohibits Mr. Teustch from providing consulting services regarding the staffing and organization of the Bossier City Police Department.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Kathleen M. Allen
For the Board